

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mark W. Publicover, et al.

FILED VIA EFS ON FEBRUARY 13, 2008

Application No. 09/800,273

Filed: March 5, 2001

Confirmation No. 3749

For: TRAMPOLINE OR THE LIKE WITH
ENCLOSURE

Examiner: Jerome W. Donnelly

Art Unit: 3764

Attorney Reference No. 5578-58206-01

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

Request for Withdrawal of Paper Mailed September 13, 2007

This is to follow up on discussions with Examiner Donnelly (on October 22, 2007 with the undersigned's assistant Carolyn Schlabach, on November 1, 2007 with Applicant Mark Publicover, and on February 1, 2008 with the unsigned) regarding a paper mailed by the Patent and Trademark Office on September 13, 2007.

The paper mailed on September 13, 2007, styled as an Office action, appears to have been sent in error. The paper received in the mail (Exhibit A) includes a sheet titled "Office Action Summary" with all the pending listed as "rejected," but includes no discussion of the reasons for rejection. Contemporaneous documents, downloaded from the PAIR database, include what appear to be handwritten notes prepared by Examiner Donnelly, but not what would be considered a complete Office action.

From the conversations with Examiner Donnelly, we understand that the Patent and Trademark Office will withdraw the paper mailed September 13, 2007, and that a new paper will be mailed as a replacement. Accordingly, Applicants do not intend to further respond to the

paper mailed September 13, 2007, as a response would be futile given that it lacks any basis of rejection to which Applicants can respond.

Instead, Applicants formally request withdrawal of the paper dated September 13, 2007, as promised by Examiner Donnelly, and favorable consideration of the application as amended on May 7, 2007, and as further amended on February 13, 2008.

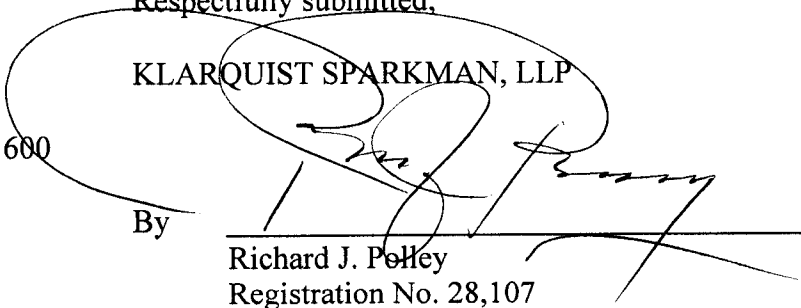
If it would help facilitate examination of this application, Examiner Donnelly is invited to call the undersigned for the purpose of a telephonic interview.

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Respectfully submitted,

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By


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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,273	03/05/2001	Mark W. Publicover	5578-58206/RJP	3749
7590 09/13/2007 KLARQUIST SPARKMAN CAMPBELL LEIGH & WHINSTON, LLP One World Trade Center, Suite 1600 121 S.W. Salmon Street Portland, OR 97204			EXAMINER DONNELLY, JEROME W	
			ART UNIT 3764	PAPER NUMBER
			MAIL DATE 09/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/800,273	Applicant(s) PUBLICOVER ET AL.	
	Examiner Jerome W. Donnelly	Art Unit 3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on ____.

2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) ____ is/are pending in the application. *65, 68 and 71*

4a) Of the above claim(s) ____ is/are withdrawn from consideration.

5) ☐ Claim(s) ____ is/are allowed.

6) ☒ Claim(s) ____ is/are rejected *65, 68 and 71*

7) ☐ Claim(s) ____ is/are objected to.

8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

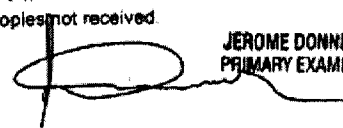
9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.


JEROME DONNELLY
 PRIMARY EXAMINER

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: ____